

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Sudbrook Lane, 400' S of * ZONING COMMISSIONER
Old Court Road * OF BALTIMORE COUNTY
(48 E. Sudbrook Lane)
3rd Election District
2nd Councilmanic District
Sudbrook Associates, a Maryland
General Partnership -
Petitioners * Case No. 93-100-A

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the above captioned matter originally came before the Zoning Commissioner as a Petition for Zoning Variance as it relates to parking requirements, pursuant to Section 409 of the Baltimore County Zoning Commissioner (B.C.Z.R.); and,

WHEREAS, after the requisite public hearing, the Findings of Fact and Conclusions of Law were issued on November 24, 1992 granting the relief requested with restrictions; and,

WHEREAS, the Petitioner has caused there to be filed a Motion for Reconsideration specifically seeking deletion of Restriction No. 3 contained in said Order requiring compliance with the Zoning Plans Advisory Committee comments submitted by the Developers Engineering Division of the Department of Public Works relating to landscaping requirements; and,

WHEREAS, within their Motion for Reconsideration, the Petitioner requests deletion of that requirement in that:

1. No changes will be made to the parking lot, and
2. No changes will be made to the exterior of the building; and

WHEREAS, a review of the site plan discloses that the site is already landscaped, contains a large amount of impermeable surface (parking lot) and, therefore, additional landscaping cannot be placed on the property.

NOW, THEREFORE, it is ordered by the Zoning Commissioner for Baltimore County this 23rd day of December, 1992:

1. That the Findings of Fact and Conclusions of Law issued on November 24, 1992 be and is hereby amended by the deletion of Restriction No. 3; and,

2. That the said Findings of Fact and Conclusions of Law is further amended by the renumbering of that restriction previously numbered 4, is now No. 3; and,

3. That in all other respects, the Findings of Fact, Conclusions of Law and Order issued by the Zoning Commissioner on November 24, 1992 be and is hereby ratified and incorporated herein.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 23, 1992

Julius W. Lichter, Esquire
Kathryn T. May, Esquire
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Amended Petition for Zoning Variance
Case No. 93-100-A
Sudbrook Associates, Petitioner

Dear Mr. Lichter and Mrs. May:

Enclosed please find a copy of the Amended Findings of Fact and Conclusions of Law rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-1391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

att:
cc: Mr. Gabriel Rosenbush, Jr.
Pikesville Chamber of Commerce
7 Church Lane, Pikesville, Md. 21208

Mr. Morris Silberman
3635 Old Court Road, Baltimore, Md. 21208

Mr. David Bush, Director, Pikesville Volunteer Fire Company,
40 E. Sudbrook Lane, Pikesville, Md. 21208

Mr. Thomas A. Mariani, Senior Vice President, Mercantile Bank & Trust
409 Washington Avenue, Towson, Md. 21204

cc: Peoples Counsel; File

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This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Sudbrook Associates, a Maryland General Partnership, by and through their attorney, Julius W. Lichter, Esquire. The Petitioners request relief from Section 409.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 54 parking spaces in lieu of the required 92 spaces. Petitioners also request a variance from Section 409.4(C) to permit a one-way drive aisle width of 13.5 feet for 60 degree parking, in lieu of the required 16 feet width, and a one-way drive aisle width of 15 feet for 90 degree parking, in lieu of the required 22 feet, in accordance with Petitioner's Exhibit 1. At the public hearing, the Petition was amended to reduce the parking provided from 54 spaces to 51 spaces and thus, a variance of 41 spaces is requested.

Appearing and testifying on behalf of the Petition were Sylvan L. Cornblatt, a Partner in Sudbrook Associates, Kenneth Colbert, a professional engineer who prepared the site plan for the property, and Shao Tsu Chu, the proprietor of a restaurant proposed for the subject location. The Petitioners were represented by Julius W. Lichter, Esquire and Kathryn May, Esquire. Appearing as Protestants in the matter were Gabriel W. Rosenbush, Jr. of the Pikesville Chamber of Commerce, and Morris Silberman,

who owns an office building nearby. Appearing as interested parties were David Bush, Director of the Pikesville Volunteer Fire Company, and Thomas A. Mariani, Senior Vice President, Mercantile Bank & Trust.

Testimony indicated that the subject property, known as 48 East Sudbrook Lane, consists of 1.129 acres more or less, zoned B.L.-C.T. and is the site of an existing shopping center. Said property is located within the Pikesville commercial district. Kenneth Colbert testified that the subject shopping center was built in approximately 1973 and that the parking lot provides 54 parking spaces. He testified that these 54 spaces provide more than enough parking for existing uses at the site, which include a drycleaning business, a beauty salon, an optical store, a branch of the Mercantile Bank, and the offices of a certified public accountant. However, the Petitioners are desirous of establishing a restaurant within the shopping center in space that is currently vacant. Testimony indicated that County parking regulations require that 92 spaces must be provided for the existing uses and the proposed restaurant. In that insufficient parking exists, the subject variance is necessary in order to allow the restaurant.

Mr. Colbert testified that the plan submitted with the original Petition was amended to address certain Zoning Plans Advisory Committee comments offered by the Bureau of Traffic Engineering. Testimony indicated that the parking layout was reconfigured and as a result, there was a loss of 3 spaces. Thus, the requested variance has been amended from 54 spaces provided to 51 spaces provided and a variance of 41 spaces is needed. It is to be noted that a supplemental comment was received from C. Richard Moore, Chief of the Bureau of Traffic Engineering, dated November 2, 1992. Mr. Moore's comments indicate that the revised plan has been reviewed by

his office and that the concerns expressed in his original Zoning Plans Advisory Committee comments have been addressed.

Mr. Colbert also commented on the justification for the requested variance. He noted that the County's parking calculations for restaurants are generally considered by most professionals to be too high. Thus, he believes the variance requested, from a practical standpoint, is not as excessive as may initially be viewed. Further, he commented on the mixture of the existing uses. He noted that the current tenants enjoy peak hours of useage which will be different from those of the restaurant. For example, the restaurant may expect its most heavy patronage during evening hours, at which time, the bank, drycleaning business and optical store will be closed. Lastly, Mr. Colbert noted that the County parking garage is located nearby and that other public transportation services exist in this area. In his view, the relief requested should be granted and comply with the standards set forth in Section 307.1 of the B.C.Z.R.

Sylvan Cornblatt also testified. He concurred that the shopping center was constructed approximately 10 years ago and has had many of its current tenants for this entire period. He noted that a portion of the center to be occupied by the proposed restaurant has been vacant for three years. He also commented extensively on the mix of uses at the shopping center and that they would complement one another from a parking standpoint. Mr. Cornblatt stated that he would not lease the vacant space if he believed that a parking problem would result and cause difficulty for his tenants.

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an authentic chinese restaurant at the subject location. He anticipates approximately 40% of the business will be of a carry-out nature and 60% will be sit-down. Mr. Chu presented the floor plan for the proposed restaurant, which will have a seating capacity for 62 patrons. Mr. Chu also discussed the proposed hours of operation for the restaurant and noted that he anticipates the peak hours of operation to be on weekends and evenings when the other tenants will be closed.

Testimony was also presented by the Petitioners as to the current parking arrangement between the shopping center and the neighboring Pikesville Volunteer Fire Department. It was noted that at present, employees of the shopping center park on the volunteer fire department property thereby freeing spaces within the shopping center for customer parking. Further, the Volunteer Fire Company periodically sponsors bingo and other social gatherings at their facility and during those occasions, overflow parking is permitted by the shopping center on its property. It is anticipated that this arrangement will continue.

Gabriel Rosenbush of the Pikesville Chamber of Commerce, testified as a Protestant in the matter. His letter in opposition to the relief requested was referenced and adopted by his testimony. The Pikesville Chamber, although encouraging new businesses to the area, opposes the requested variance on its present scale and believes the surrounding neighborhood would be adversely affected if the Petition were granted.

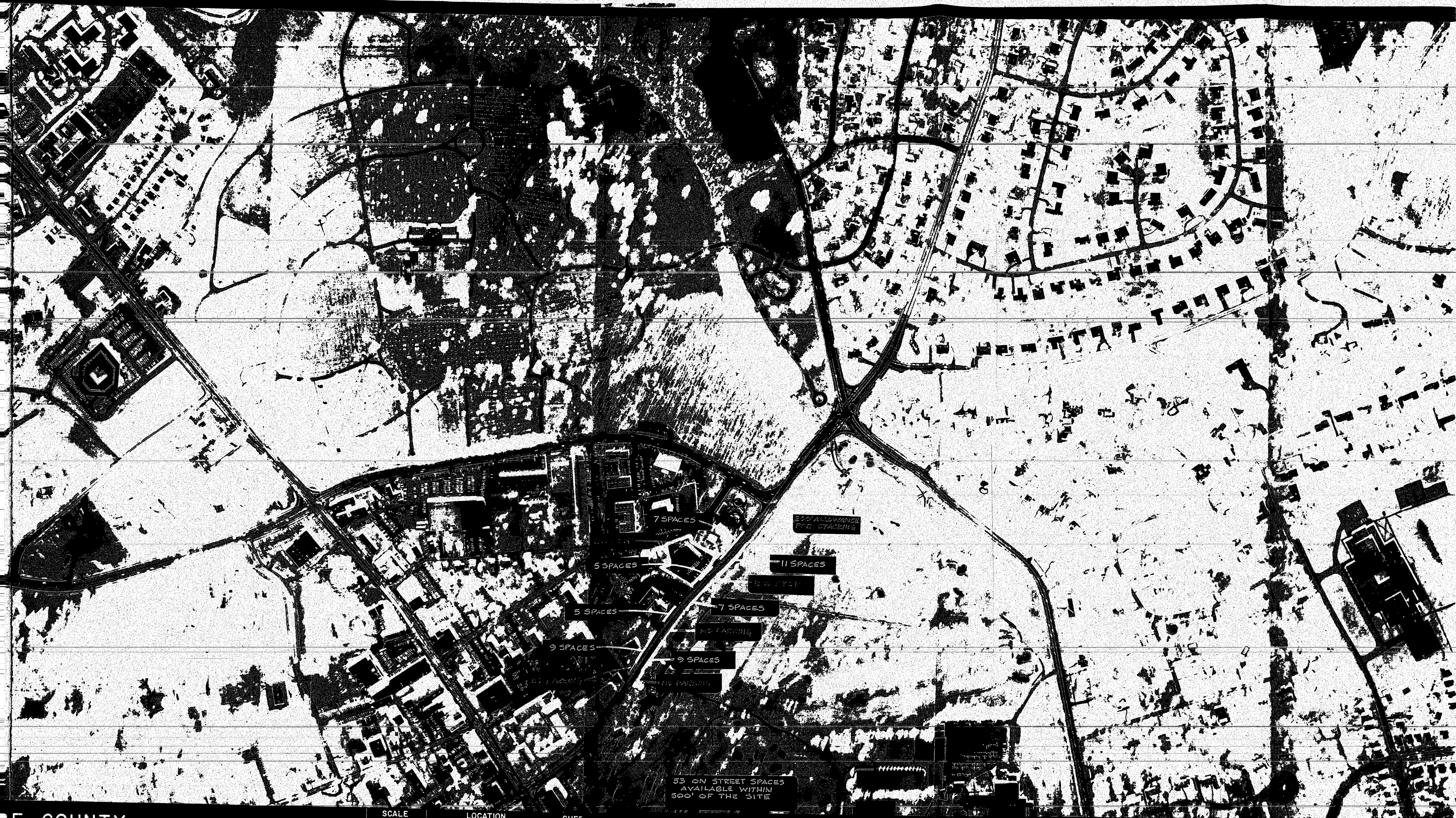
Also testifying was Morris Silberman, who owns an office building on an adjacent property. Mr. Silberman fears overflow parking onto his property if the variance is granted.

Additional comment is appropriate concerning other evidence presented. First, it should be noted that the Department of Economic Develop-

ment submitted a Zoning Plans Advisory Committee comment indicating their support of the relief requested, noting that complimentary schedules of peak useage by the tenants enable them to co-exist without substantial parking difficulties. Further, a letter has been received from the Baltimore County Revenue Authority summarizing their inspection of the property on several occasions. Kenneth Mills, Executive Director of the Revenue Authority, opined that the granting of the variance would not adversely affect the area or existing businesses of this center. Additionally, several comments were received from the Office of Planning and Zoning. The original comments, authored on October 14, 1992, recommended a denial of the Petition. Subsequently, however, the Planning Office submitted follow-up comments dated December 2, 1992 in which they reference several factors which were brought to their attention relative to the subject site and its proposed use. The comments concluded that "On balance, it appears that the concern regarding the parking impact resulting from this project is not as great as was first believed." Lastly, a letter was received from the Pikesville Volunteer Fire Department indicating they take no position in either direction with regard to the subject petition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
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BALTIMORE COUNTY
PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BUMBARTON
PIKESVILLE

SHEET
N. W.
8-F
BY I.R. PHOTOGRAPHICS, INC.
JRG W.V. 25401

Plot No 3

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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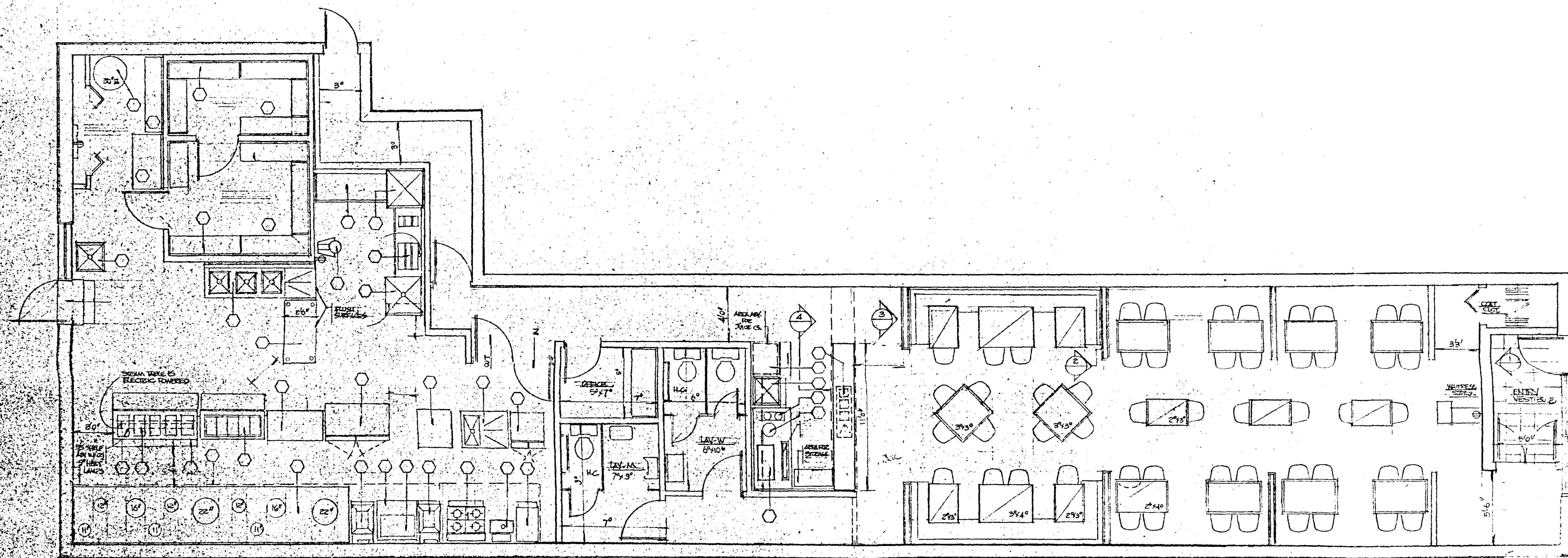
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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and



NOTES

1. ALL EQUIPMENT WITHIN FOOD PREPARATION AREA IS TO BE RASSED 8" A.F.F.
2. FLOOR DRAINS ARE TO BE INSTALLED IN LAVATORIES

JUMBO SEAFOOD CHINESE RESTAURANT

SUPERPOOL SHOPPING CENTER
48 EAST SUPERPOOL LANE
PIKESVILLE, MARYLAND

10/21/92

DESIGNED BY: CLINTON COUNCIL

SEATING CAPACITY AS DESIGNED = 62 PERSONS

2/24/93

SCALE:	APPROVED BY:	DRAWN BY:
DATE:	REVISION:	
		DRAWING NUMBER

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded that the granting of the variance will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. My conclusion in this respect is based on the compatible mixture of tenants in the shopping center and available parking which is located nearby. Clearly, the tenants in the center are compatible with one another from a parking generation standpoint. It is clear that the restaurant will generate traffic when the other businesses are closed and vice versa. Additional testimony presented indicated that there was some parking available on Sudbrook Road. This will help alleviate congestion on the subject lot. Lastly, the continuing arrangement between the shopping center and adjoining Volunteer Fire Company property should be encouraged and maintained. It is clear that these two uses provide assistance to one another to help prevent parking congestion on either property. It is hoped that the owners of both properties continue this cooperation.

Further, it is clear that practical difficulty will result if the variance is not granted. Development of new businesses in the Pikesville revitalization area and at this site is to be encouraged. Further, it has been established that particular site constraints exist, namely the size and configuration of the property, and that due to these constraints, the Petitioner cannot strictly comply with the parking regulations. A strict adherence to the requirements from which the Petitioner seeks relief will unduly restrict the use of the property. In addition, I am persuaded

- 6 -

that the variance requested will not cause any injury to the public health, safety or general welfare of this community and that the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1992 that the Petition for Zoning Variance requesting relief from Section 409.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 51 parking spaces in lieu of the required 92 spaces, and from Section 409.4(C) to permit a one-way drive aisle width of 13.5 feet for 60 degree parking in lieu of the required 16 feet width and a one-way drive aisle of 15 feet for 90 degree parking in lieu of the required 22 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed restaurant is limited to provide a total seating capacity for 62 persons in accordance with Petitioner's Exhibit 9.
- 3) Compliance with the Zoning Plans Advisory Committee comment submitted by the Developer's Engineering Division of the Department of Public Works as it relates to landscaping.

- 7 -

4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1992

(410) 887-4386

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
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Sudbrook Associates, a Maryland General Partnership - Petitioners
Case No. 93-100-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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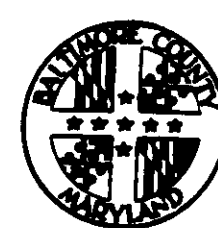
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40 E. Sudbrook Lane, Pikesville, Md. 21208

Mr. Thomas A. Mariani, Senior Vice President, Mercantile Bank & Trust
409 Washington Avenue, Towson, Md. 21204

People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 48 E. Sudbrook Lane, Pikesville
which is presently zoned BL-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property, hereby certifies that the information contained herein is true and correct, and that the property is not subject to any other pending or proposed zoning action.

409.6(A)(2) to permit 54 parking spaces in lieu of the required 92; from 409.4(C) to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet & a one-way drive aisle of 15 feet of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County; for the following reasons: (affidavit of ownership or other legal authority)

existing site constraints and additional reasons which will be presented at the public hearing.

*for 90 degree parking in lieu of 22 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Shao Tsu Chu

Signature of Petitioner

11714 D. Reisterstown Road

Reisterstown, Maryland 21136

City

Signature of Attorney

Julius W. Lichter, Esquire

Signature of Attorney

305 W. Chesapeake Ave. 321-0600

Towson, MD 21204

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ZONING DESCRIPTION

48 EAST SUDBROOK LANE
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE WEST SIDE OF EAST SUDBROOK LANE, 70 FEET WIDE, A DISTANCE OF 400 FEET MORE OR LESS SOUTHWESTERLY FROM THE INTERSECTION OF OLD COURT ROAD; THENCE RUNNING WITH SAID ROAD SOUTH 42 DEGREES 39 MINUTES 26 SECONDS WEST, 171.50 FEET; THENCE BY A CURVE TO THE LEFT WITH A RADIUS OF 2035.00 FEET AND AN ARC LENGTH OF 31.00 FEET; THENCE LEAVING SAID ROAD AND RUNNING NORTH 60 DEGREES 04 SECONDS 21 MINUTES WEST, 206.95 FEET; THENCE NORTH 72 DEGREES 56 MINUTES 09 SECONDS EAST, 75.45 FEET; THENCE NORTH 16 DEGREES 19 MINUTES 40 SECONDS WEST, 120.87 FEET TO A POINT ON THE EAST SIDE OF (OLD) OLD COURT ROAD, 30 FEET WIDE; THENCE RUNNING WITH SAID ROAD NORTH 72 DEGREES 32 MINUTES 37 SECONDS EAST, 152.02 FEET; THENCE LEAVING SAID ROAD AND RUNNING SOUTH 33 DEGREES 06 MINUTES 24 SECONDS EAST, 30.50 FEET; THENCE SOUTH 21 DEGREES 34 MINUTES 03 SECONDS WEST, 25.00 FEET; THENCE SOUTH 62 DEGREES 38 MINUTES 19 SECONDS EAST, 154.46 FEET; THENCE SOUTH 32 DEGREES 31 MINUTES 09 SECONDS WEST, 21.56 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1.129 ACRES OF LAND MORE OR LESS.

48ESUDBR.ZON



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 11/16/92

Posted for: Variance

Petitioner: Sudbrook Assoc. & Shao Tsu Chu

Location of property: 48 E. Sudbrook Lane, 400' S of Old Court Rd.

Location of Sign: Along Sudbrook Highway on Property to be zoned

Remarks:

Posted by: M. Lichter Date of return: 11/23/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

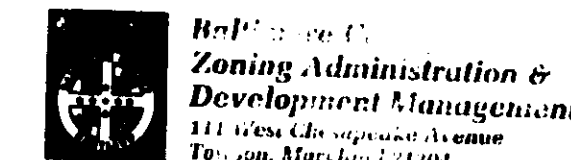
TOWSON, MD., 10/8, 1992

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992

THE JEFFERSONIAN,

S. Zake - Orlan

Publisher



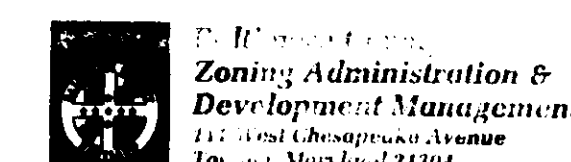
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt

Date: _____ Number: _____

Check Validation

Please Make Checks Payable To: Baltimore County



Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt

Date: _____ Number: _____

Check Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 10/20/92

Shao Yun Chu
11740 Belstarston Road
Belstarston, Maryland 21136

RE:
CASE NUMBER: 93-100-A (Item 106)
W/S Sudbrook Lane, 400' S of Old Court Road
48 E. Sudbrook Lane
3rd Election District - 2nd Councilmanic
Legal Owner(s): Sudbrook Associates
Lessee: Shao Yun Chu
HEARING: WEDNESDAY, NOVEMBER 4, 1992 at 9:00 a.m. in Rm. 106, County Office Building.

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Julius W. Lichter, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

SEPTEMBER 29, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-100-A (Item 106)
W/S Sudbrook Lane, 400' S of Old Court Road
48 E. Sudbrook Lane
3rd Election District - 2nd Councilmanic
Legal Owner(s): Sudbrook Associates
Lessee: Shao Yun Chu
HEARING: WEDNESDAY, NOVEMBER 4, 1992 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit 54 parking spaces in lieu of the required 92; to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of 22 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Sudbrook Associates
Shao Yun Chu
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

October 20, 1992

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 106, Case No. 93-100-A
Petitioner: Sudbrook Associates
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 21st day of September, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sudbrook Associates
Petitioner's Attorney: Julius W. Lichter

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

RE: Zoning Advisory Committee Meeting
for October 5, 1992
Item No. 106

The Developers Engineering Division has reviewed the subject zoning item. We recommend that the site be made to comply with the requirements of the Landscape Manual.

RWB:DAK:s

RECEIVED
OCT 5 1992
ZONING OFFICE

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 106 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David Ramsey
John Constable, Chief
Engineering Access Permits
Division 9/23/92

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
302-7566 Baltimore Metro - 800-4461 D.C. Metro - 1-800-480-5962 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: October 14, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sudbrook Square

INFORMATION:
Item Number: 106
Petitioner: Sudbrook Associates
Property Size: 1.129 acres
Zoning: BL-C7
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This Petitioner is requesting a variance to permit 54 parking spaces in lieu of the required 92; to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of 22 feet.

This site is located on the eastern fringe of the Pikesville Revitalization District. The shopping center, Sudbrook Square, appears to be fully leased and economically healthy at this particular time (as observed by the area planner). Without documentation indicating that the Petitioner has attempted to secure off-site parking to lessen the impact of deficient on-site parking, this Office recommends DENIAL of the Petitioner's request. The Office of Planning and Zoning feels that a variance of 38 parking spaces could be detrimental to the existing businesses presently located on this site.

Prepared by: *Francis Murray*
Division Chief: *Ernest McDaniel*
EHdD:PH:bjs

106.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 28, 1992
ITEM NUMBER: 106

1) The four perpendicular parking spaces along the northern property line need to be realigned to "angled" spaces.
2) "DO NOT ENTER"/"ONE WAY" signs need to be shown to clarify the internal traffic pattern.
3) The location of the existing dumpster needs to be shown.
4) The two parallel parking spaces along the southern property line need to be eliminated.
5) Granting the requested parking variances is going to impact the surrounding roadways.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Redd 10/14/92

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: October 7, 1992

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #106
48 Sudbrook Lane
Zoning Advisory Committee Meeting of September 28, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

A reduction in parking requirements will reduce the amount of impervious area draining, via an existing storm drain system, to an offsite stream system. Therefore, Environmental Impact Review Division supports issuance of approval for this variance in order to prevent additional impacts to water quality from this property.

LP:sp

SUDBROOK/TXTSBB

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SUDBROOK ASSOCIATES, A MARYLAND GENERAL PARTNERSHIP

Location: #48 SUDBROOK LANE

Item No.: + 106 (JLL) Zoning Agenda: SEPTEMBER 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. H. H. H.*
Planning Group
Special Inspection Division

JP/REK

Department of Recreation and Parks
Development Review Committee
Authorized signature: *[Signature]* Date: 10/15/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Austin F. and Estelle R. Weber	102	No Comment	7-28-92
✓ Franklin Ray and Ann Mae Sumpter	103	No Comment	
✓ Richard A. Robert T. and Emily C. Baker	104	No Comment	
✓ Michael J. and Lori Greco	105	No Comment	
✓ Sudbrook Associates	106	No Comment	
✓ Philip M. and Sandra L. Cowett	108	No Comment	
✓ Gaetano Platania	109	No Comment	
✓ Kurt D. and Denise E. Zumwalt	110	No Comment	

COUNT 8

RECEIVED
OCT 5 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 2, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: *[Signature]* Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: REVISED COMMENTS
Z.A.C. Comments

Z.A.C. MEETING DATE: September 28, 1992

ITEM NUMBER: 106

This office has reviewed the revised plan dated October 10, 1992 and finds it acceptable.

The requested parking variance will have some effect on parking on Sudbrook Lane. With shared parking with the Fire Department and the existing mixed uses, the number on parking spaces required may be reduced.

CRM:lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry Schmidt
Zoning Commissioner
DATE: November 2, 1992

FROM: Pat Keller, Deputy Director
Office of Planning & Zoning

SUBJECT: Sudbrook Square #106

RECEIVED
NOV 2 1992
ZONING COMMISSIONER

The Office of Planning and Zoning has received additional information regarding the Sudbrook Square Shopping Center. Sudbrook Square is located within the Pikesville Revitalization Area as identified in the Pikesville Revitalization Plan adopted by the Baltimore County Council on October 7, 1992. The petitioner is requesting a variance to permit 54 parking spaces rather than the 92 required. The following information has been supplied by the applicant and reviewed by this Office:

1. The center had a vacancy rate of 22% during the last 3 years.
2. The applicant is requesting a parking variance to accommodate a 2,700 sq. ft. restaurant which will contain 62 seats located at 19 tables.
3. Employee parking is currently being provided by the Pikesville Voluntary Fire Department.
4. Sudbrook Lane can accommodate approximately 53 on street parking spaces.

The petitioner is desirous of providing a 2,700 sq. ft. Chinese style restaurant with a seafood emphasis in the Pikesville Area. The area appears to be attractive to restaurant uses with the recent influx of these establishments. The Office supports this type of redevelopment provided such uses do not negatively impact the community. There are several factors which would lead us to modify our recommendations at this time. First, the hours of operation are complimentary to the commercial retail uses in the center. Second, Baltimore County's parking standard for restaurants are generally accepted as being to high. These regulations are currently under review to be changed. The proposal at this time is to reduce the requirement from 20 per 1,000 sq. ft. to 16 per 1,000 sq. ft. which would reduce this request from 54 to 43. Third, in an effort to maintain the momentum of revitalization for this area, the additional restaurant use would be a benefit to this effort. Finally, due to the ability of Sudbrook Lane to handle additional on street parking the spillover impacts of parking from this use are greatly reduced.

On balance, it appears that the concern regarding the parking impact resulting from this project is not as great as was first believed.

[Signature]
Pat Keller

PK:bjs

Attachments
SUDBROOK.PK/TXTBJS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: October 14, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sudbrook Square

INFORMATION:

Item Number: 106

Petitioner: Sudbrook Associates

Property Size: 1.129 acres

Zoning: BL-CT

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This Petitioner is requesting a variance to permit 54 parking spaces in lieu of the required 92; to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of 22 feet.

This site is located on the eastern fringe of the Pikesville Revitalization District. The shopping center, Sudbrook Square, appears to be fully leased and economically healthy at this particular time (as observed by the area planner). Without documentation indicating that the Petitioner has attempted to secure off-site parking to lessen the impact of deficient on-site parking, this Office recommends DENIAL of the Petitioner's request. The Office of Planning and Zoning feels that a variance of 38 parking spaces could be detrimental to the existing businesses presently located on this site.

Prepared by: *[Signature]*

Division Chief: *[Signature]*

EMC:FM:bjs

106.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: October 5, 1992

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

RE: Zoning Advisory Committee Meeting
for October 5, 1992
Item No. 106

The Developers Engineering Division has reviewed the subject zoning item. We recommend that the site be made to comply with the requirements of the Landscape Manual.

RWB:DAK:s

RECEIVED
OCT 5 1992
ZONING OFFICE

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

November 2, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Case #93-100-A, Item #106

Dear Mr. Schmidt,

The owners of Sudbrook Square, a small shopping center in the core of Pikesville, are requesting a variance of the required number of parking spaces in order to accommodate a prospective tenant. The Department of Economic Development, in looking into this case, has found the following. The center currently does have enough spaces to meet the requirement for retail tenants, but falls short of the total required if restaurant usage is introduced. While we do not take the size of the requested variance lightly, a number of related factors seemed important to consider.

This property is located within the core, but removed from the "downtown style" frontage on Reisterstown Road. Buildings are more spread out and parking is more readily available. Directly to the west of the subject property is the Volunteer Fire Department, with greater than 70 parking spaces, just along the side bordering Sudbrook Square and the rear. Except for special events, these spaces are rarely used, and the petitioner has a longstanding arrangement with the volunteers to share parking. Appropriate amendments to these agreements may need to be made.

Spaces are also available on-street along Walker Avenue. Along Sudbrook Lane, there exists the possibility of on-street parking directly in front of the center. This may actually increase the safety of this street (there is often uncertainty for drivers as to whether the road is one or two lanes at this point). Steve Weber, Assistant Traffic Engineer, looked into this situation and is amenable to this plan. These are easily accessible and conveniently located.

Employee parking will also be available off-site, through an arrangement with a nearby property owner. Several neighboring businesses have a greater availability of spaces than is typical in Pikesville.

Once again, the parking requirements utilize the square footage of kitchen space to calculate required parking, which provides a somewhat skewed estimate.

Finally, due to the upscale dining plan for the restaurant, it is anticipated that much of their business will occur in the evenings, when the other businesses in the center are not open. Complimentary schedules of peak usage support the ability of the tenants to coexist happily without substantial parking difficulties.

Understanding the surrounding circumstances and assuming the above measures are taken we support the request variance.

Sincerely,

E. Neil Jacobs
E. Neil Jacobs
Executive Director

ENJ/sls

Baltimore County Revenue Authority

118 TOWNSHOWN BOULEVARD
TOWSON, MARYLAND 21286-5350
TELEPHONE (410) 887-3187
FAX (410) 886-7428

November 10, 1992

Mr. David Green
Office of Planning & Zoning
401 Bosley Avenue
Towson, MD 21204

Re: Parking Variance Request
48 E. Sudbrook Lane
Pikesville

Dear Dave:

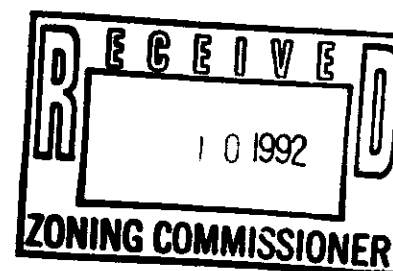
As a result of inquiries made to this office by the Pikesville Chamber of Commerce and the attorney for the applicant, I went out to the referenced site to observe the parking activity in the area.

On Thursday, October 29, 1992 at 7:00 p.m., there were five (5) vehicles parked on the lot, all in the front lot, toward Sudbrook Lane. The beauty parlor was the only business that was open, but it was obvious that they were in the final clean up phase of the day. I spoke briefly with a man who appeared to be the beauty shop operator. He told me that the busiest days at the center are Thursday through Friday. He indicated that the center's employees parked on the fire hall lot during the day. The gentleman indicated that he had no objection to the Chinese restaurant's proposed move to the center, since he felt most of their activity would occur at night.

There were no vehicles parked on either the north or south side of Sudbrook Lane on Thursday evening.

I returned to the site on the following day, October 30, at 12:30 p.m. It was an overcast day, with temperatures in the 50's. There were twenty (20) vacant spaces on the lot, ten (10) of which were in the front lot facing Sudbrook Lane. Three of the ten vacant spaces were the thirty minute spaces next to the bank and dry cleaner.

Along the north side of the curb next to the center, three of the approximate six spaces were vacant. On the south side of Sudbrook Lane, I walked off approximately 420 feet of open curb



MR. DAVID GREEN
NOVEMBER 10, 1992
PAGE 2

space (excluding the bus stop) that might be considered in the center's vicinity and available for customer and employee parking. None of these spaces were occupied.

On the fire hall lot, eighteen (18) of the twenty-two (22) spaces adjacent to the center were occupied. The other spaces on the lot were marked off as reserved for the fire hall, so my guess is that the center employees were utilizing the spaces next to the center.

On Thursday, November 4 at approximately 12:30 p.m., I observed eighteen (18) cars on the center parking lot and two spaces on the north side curb of Sudbrook Lane.

The curbside areas of Sudbrook Lane adjacent to the center are outside of the Pikesville meter district. Even if the area was within the district, I would not recommend installation of meters since the area presently lacks the development density that would require the higher turnover spaces.

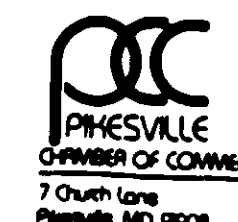
While our office is not technically a part of the zoning variance review process, I would be willing to offer the opinion that the granting of the variance should not adversely affect the area or existing businesses of the center. Obviously the fire hall's and center's unwritten policy of sharing the lots at their respective off peak periods is critical to each entity's operation and continuing vitality. If there was any way to formalize this agreement, the long term survival of both enterprises could be assured.

If you have any other questions, please call me.

Sincerely,

Kenneth F. Willis, Jr.
Kenneth F. Willis, Jr.
Executive Director

KFM/mlsld-108



October 30, 1992

Mr. Lawrence C. Schmidt
Zoning Commissioner
Baltimore County, Maryland
111 West Chesapeake Ave.
Towson, Md. 21204

RE: Case No. 93-100 A Item 106
Owner Sudbrook Associates
48 E. Sudbrook Lane

Dear Mr. Schmidt:

This is to advise you that the Pikesville Chamber of Commerce thru its Zoning Committee has carefully investigated and reviewed the variance request of the Sudbrook Associates. The committee has met with the owner/developer and his attorney Jules Lichter on October 29, 1992.

Let it be understood that the Pikesville Chamber of Commerce supports business in our community and we welcome new businesses which desire to relocate in Pikesville.

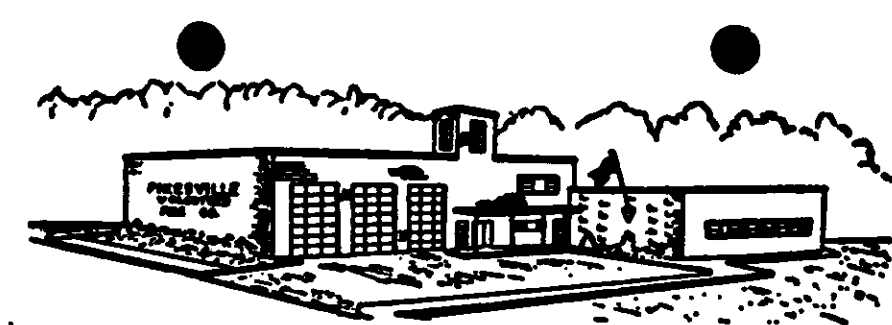
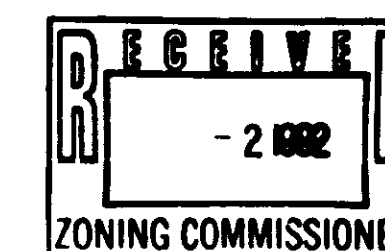
However, we can not support the variance request as set forth by the petitioner in this case.

We will support a request for a variance of 16 cars. In the event the petitioner can demonstrate an availability of DAY TIME parking for an additional 22 parking spaces public or private, within the area distance he is permitted, we will support his variance for 38 cars.

Very truly yours,

Gabriel W. Rosenbush, Jr.
Gabriel W. Rosenbush, Jr.
Chairman Zoning Committee

GWR:asf
cc: Jules Lichter, Esq.-- Sudbrook Associates
Sid Friedman, Pres. PCC



Pikesville Volunteer Fire Co., Inc.
40 E. Sudbrook Lane
Pikesville, Maryland 21208
Organized February 4th, 1897
Business Phone (301) 486-9854

November 3, 1992

Hearing Officer
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

RE: 48 East Sudbrook Lane
Case Number 93-100-A

Dear Sir or Madam:

Our Company, which provides fire, rescue and EMS service to the entire Pikesville community, is a neighbor of the shopping center which is the subject of the captioned case. When we became aware of the intent to seek a parking variance, we convened our Board of Directors, discussed the matter, and voted to oppose the application.

Today the Owner, and counsel for the proposed Tenant, presented us with additional information, which they have asked us to consider before taking a final position with respect to the application. It is impossible for us to convene our Board before the hearing, which is scheduled for less than twenty-four hours from the time of that presentation.

Accordingly, we request a period of ten days to submit a written report, indicating our final position with respect to the captioned zoning application, and, if negative, our reasons.

The Owner, and counsel for the proposed Tenant, have agreed to this request.

Very truly yours,

Lee N. Smith
Lee N. Smith
President

LNS/cmr



Pikesville Volunteer Fire Co., Inc.
40 E. Sudbrook Lane
Pikesville, Maryland 21208
Organized February 4th, 1897
Business Phone (301) 486-9854

VIA MESSENGER

November 16, 1992

Honorable Lawrence E. Schmidt
Zoning Commissioner
Room 113 - Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: 48 East Sudbrook Lane
Case Number: 93-100-A

Dear Sir:

On November 3 I wrote to you in connection with the hearing that was held the following day with regard to the captioned matter, indicating that our Company voted to oppose the application, but was in consultation with the owner and applicant.

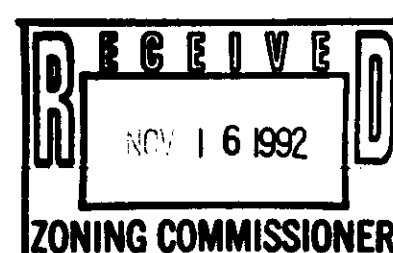
Now, having concluded those discussions and having reviewed all of the data that was made available to us, you are hereby advised that our Company takes no position with regard to the application. That is, we neither oppose nor support it.

You may contact me during the day at 484-5355 if there are any questions.

Very truly yours,

Lee N. Smith
Lee N. Smith
President

LNS/cmr



BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOWARD PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-539-0950

KATHRYN T. MAY

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

September 21, 1992

Arnold Jablon, Director
Zoning Administration and Development Management
111 W. Chesapeake Ave.
Towson, MD 21204

RE: Petition for Variance
Item # 106
48 E. Sudbrook Lane
Petitioner: Shao Tsu Chu

Dear Mr. Jablon:

We represent Mr. Shao Tsu Chu who has submitted a Petition for Variance for property known as 48 E. Sudbrook Lane. The site is currently improved with a small aging retail center. Our client is leasing approximately 2700 square feet in the center for a chinese seafood restaurant. This use will breathe much needed life into the center and thereby promote the revitalization of Pikesville as so encouraged in the Master Plan.

We hereby request that the hearing date for the Petition for Variance be expedited. An expedited hearing will enable the Petitioner to meet his obligations under the lease which require him to obtain a final decision as to the variance request and complete installation of the restaurant by the end of 1992. Additionally, an expedited hearing will help serve the goal of revitalizing Pikesville by facilitating the zoning process which is necessary prior to moving forward with the proposed restaurant use.

Your assistance in securing an expedited hearing date for this Petition is greatly appreciated.

Sincerely,

Kathryn T. May
Kathryn T. May

KTM/ta

cc: Ms. Gwen Stephens



ZONING OFFICE

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOWARD PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-539-0950

KATHRYN T. MAY

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

September 23, 1992

HAND-DELIVERED

Lawrence Schmidt, Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
Item #106
48 East Sudbrook Lane
Petitioner: Shao Tsu Chu

Dear Commissioner Schmidt:

We represent Mr. Shao Tsu Chu who has submitted a Petition for Variance for property known as 48 East Sudbrook Lane. The site is currently improved with a small aging retail center. Our client is leasing approximately 2700 square feet in the center for a chinese seafood restaurant. This use will breathe much needed life into the center and thereby promote the revitalization of Pikesville as so encouraged in the Master Plan.

We hereby request that the hearing date for the Petition for Variance be expedited. An expedited hearing will enable the Petitioner to meet his obligations under the lease which require him to obtain a final decision as to the variance request and complete installation of the restaurant by the end of 1992. Additionally, an expedited hearing will help serve the goal of revitalizing Pikesville by facilitating the zoning process which is necessary prior to moving forward with the proposed restaurant use.

We prefer a hearing date as early as possible in the month of October, allowing for time for the proper posting and advertisement of the Petition. Your assistance in securing an expedited hearing



BALTIMORE STREET
MILK, ANTELOPE & TRUST BUILDING
7 ASPEN PLAZA
Baltimore, Maryland 21204
410-521-0000
TELEFAX 410-521-0000

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-521-0000
TELECOPIER 410-286-2801

ELLIS LEVIN (1893-1960)

KATHRYN E. MAY
December 21, 1992

HAND DELIVERED

Lawrence Schmidt, Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

RE: Case No.: 93-100-A
48 E. Sudbrook Lane

Dear Commissioner Schmidt:

As we discussed by telephone on Friday, Shao Tsu ("Steve") Chu (the Petitioner in the above referenced case) is having difficulty obtaining a building permit for interior renovations for his leased premises in the Sudbrook Square Shopping Center. The problem is with condition No. 3 of your November 24, 1992 Order. This condition requires the Petitioner to comply with a comment from Developer's Engineering regarding landscaping.

A copy of the comment from Developer's Engineering is enclosed. We object to this comment, which recommends that the site be made to comply with the requirements of the Landscape Manual, because: (1) no change will be made to the parking lot, and (2) no changes will be made to the exterior of the building. If the Petitioner had merely applied for the interior renovation permit (without the parking variance) no landscape requirements could have been imposed on him.

As the record will reflect, landscaping was not an issue at the public hearing. Furthermore, compliance with the Landscape Manual would not be possible because the existing parking layout conforms to standards in effect when the shopping center was built. Finally, compliance with this condition would cause a severe hardship on Mr. Chu who is the lessee of one unit in the Center, not the owner of the site. The owner of the center is not available at this time. Although the site is landscaped, my client will attempt to obtain additional plantings by the landlord.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
SHAO-TSU CHU	104 QUEENSBIDGE CR. CROFTSVILLE, MD
Kueigang Zhang	8817 A2 BLANCKWOOD RD
Wu Wang	310 B. Garden Rd Towson
William Benjamin	2649 Falls Rd
Steven Cornblatt	9 Highlands CT 21117
Sylvan L Cornblatt	P.O. Box 364 Croftsville, Md

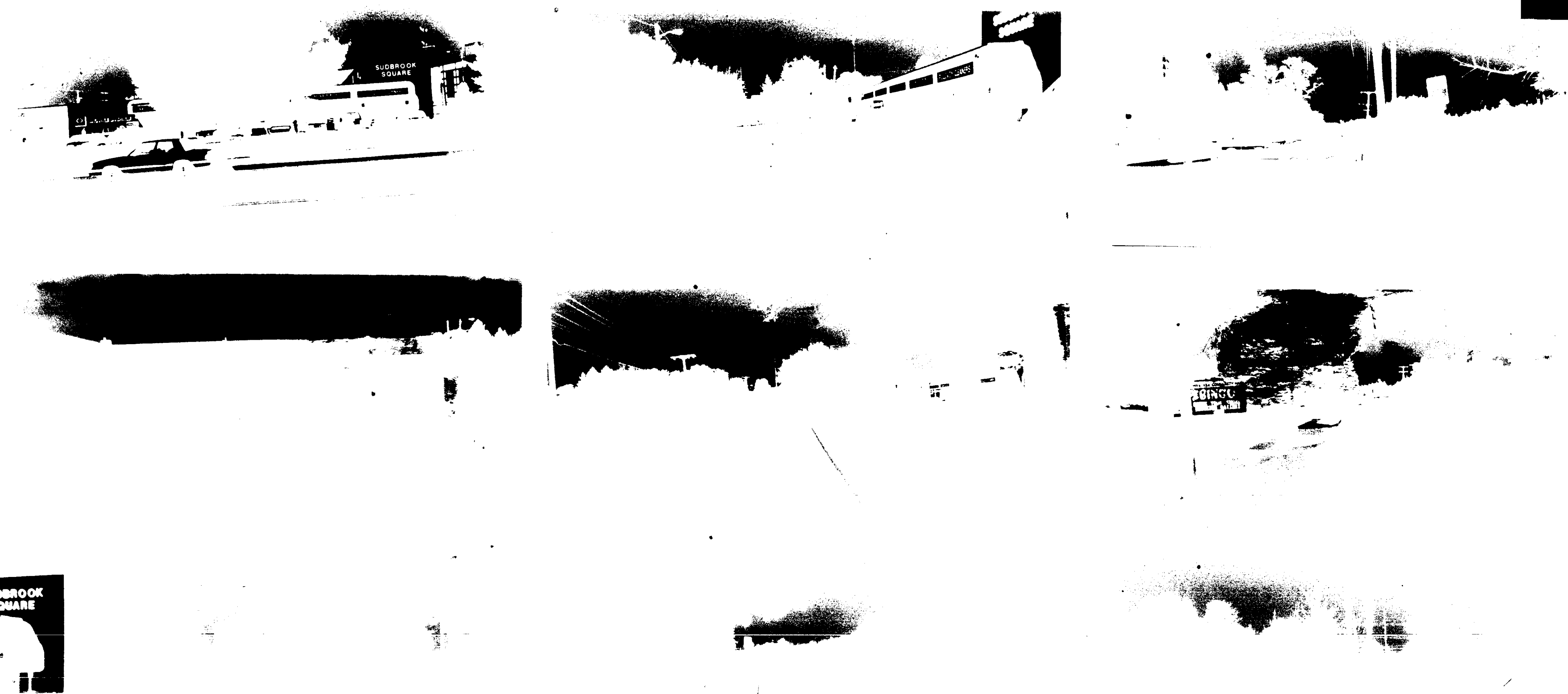
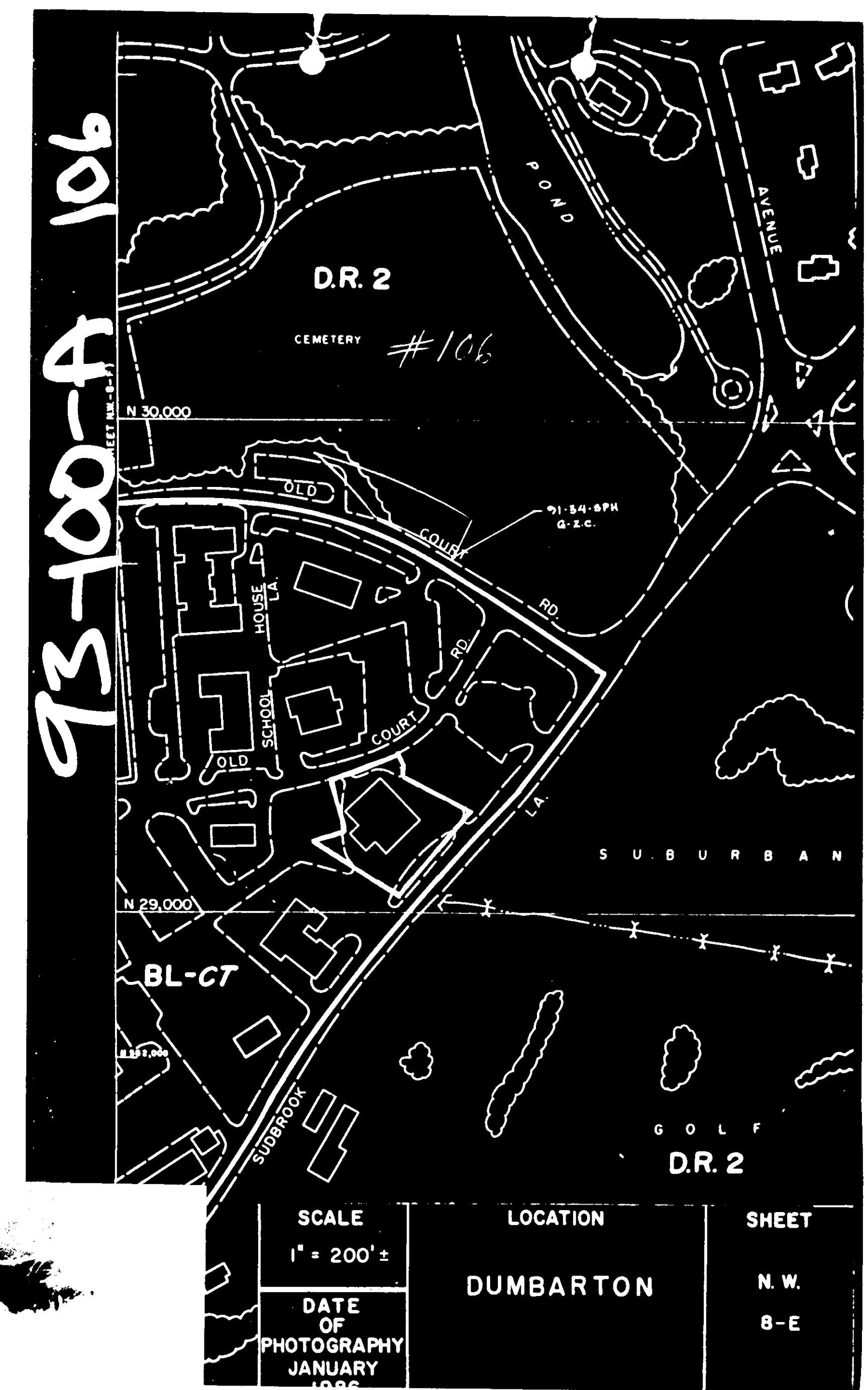
PLEASE PRINT CLEARLY

PROTESTER(S) SIGN-IN SHEET

NAME	ADDRESS
MARIE SICHERMAN	3635 OLD GOWER RD
DAVID BUSH - President	40 E. Sudbrook Lane
Carol Rosenbush, Jr.	Dillonville Chambers of Commerce & Church League

INTERESTED PERSON: MERCANTILE BANK & TRUST
THOMAS A. MARIANI, SVP
409 WASHINGTON AVE
TOWSON, MD 21204

Wants copy of opinion



Petitioner's
exhibited
DA-SI
93-100-A



JUNBO SEAFOOD RESTAURANT
48 E. SUDBROOK LANE

The Restaurant will have 19 tables for seating patrons with a seating capacity of 62 persons

12 tables at 4 persons = 48
 7 tables at 2 persons = 14
 62

Parking

BCZR Required Parking 22
 Parking on Site 51
 Available Public Parking on Sudbrook Lane within 500 feet of Sudbrook Square 53

Available Parking 104
ESTIMATE PEAK PARKING NEEDS
 10 TABLES @ 2 CARS 20
 9 TABLES @ 1 CAR 9
 9 EMPLOYEES 5
 CARRY OUT 5
 CUSTOMER WAITING 5
 44

PEAK HOURS OF OPERATION

	DAY	NIGHT
MONDAY	12 NOON TO 1:30 P.M.	6 - 9 p.m.
TUESDAY	SAME	SAME
WEDNESDAY	SAME	SAME
THURSDAY	SAME	SAME
FRIDAY	SAME	SAME
SATURDAY	NONE	6 - 9 p.m.
SUNDAY	NONE	5 - 8 p.m.

SUDBROOK SQUARE SHOPPING CENTER
PARKED CAR COUNT
OCTOBER 23, 1992

TIME A.M.	NO. PARKED CARS	TIME P.M.	NO. PARKED CARS
8:30	17	1:00	35
8:45	19	1:15	36
9:00	27	1:30	34
9:15	29	1:45	35
9:30	34	2:00	33
9:45	35	2:15	40
10:00	33	2:30	36
10:15	31	2:45	29
10:30	32	3:00	26
10:45	40	3:15	22
11:00	42	3:30	21
11:15	37	3:45	31
11:30	36	4:00	23
11:45	40	4:15	23
12:00	34	4:30	20
12:15	31	4:45	23
12:30	34	5:00	22
12:45	34	5:15	29
		5:30	25
		5:45	20
		6:00	20

October 29, 1992

Sudbrook Associates
 P. O. Box 364
 Owings Mills, Md. 21117

Re: Proposed Parking Variance

Dear Mr. Cornblatt:

My understanding is that a Parking Variance is being requested for Sudbrook Associates. Further, my understanding is that the Variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

I hereby give my support in favor of the proposed Variance.

Very truly yours,

Edmund Bob
Edmund Bob
 Edmundo Bob
 Edmundo Bob

October 29, 1992

Sudbrook Associates
 P. O. Box 364
 Owings Mills, Md. 21117

Re: Proposed Parking Variance

Dear Mr. Cornblatt:

My understanding is that a Parking Variance is being requested for Sudbrook Associates. Further, my understanding is that the Variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

I hereby give my support in favor of the proposed Variance.

Very truly yours,

William Friedlander
William Friedlander
 William Friedlander

William Friedlander

PEAK BUSINESS HOURS

	DAY	NIGHT
MONDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
TUESDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
WEDNESDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
THURSDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
FRIDAY	12:00 - 1:30 P.M.	5:00 - 9:00 P.M.
SATURDAY	NONE	6:00 - 10:00 P.M.
SUNDAY	NONE	5:00 - 8:00 P.M.

OVERFLOW PARKING
 FROM BINGO & FIRE HALL
 8:00 P.M. TO 8:30 P.M.

Monday	14
Tuesday	9
Wednesday	8
Thursday	7
Friday	6
Saturday	0

October 23, 1992

Sudbrook Associates
 P.O. Box 364
 Owings Mills, MD 21117

Re: Parking Variance for 48 E. Sudbrook Lane

Dear Mr. Cornblatt:

My understanding is that a parking variance is being requested for your shopping center located at 48 E. Sudbrook Lane. Further, my understanding is that the parking variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

As you know, I own 105 Old Court Road, located just to the rear of the Fire Hall which adjoins the shopping center. I hereby agree to allow the employees and customers of your shopping center to use five (5) parking spaces on my lot after five (5) p.m. every day.

Sincerely,

David Shimony
 David Shimony

CONTINENTAL REALTY CORPORATION
 17 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204-5088

November 3, 1992

Sudbrook Associates
 P. O. Box 364
 Owings Mills, Maryland 21117

RE: Parking Variance for 48 E. Sudbrook Lane

Dear Mr. Cornblatt:

My understanding is that a parking variance is being requested for your shopping center located at 48 E. Sudbrook Lane. Further, my understanding is that the parking variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

As you know, I own the triangular property which dissects Old Court Road and Walker Avenue (directly across Old Court Road from the southernmost point of Old Court Executive Park). I hereby agree to allow the employees and customers of your shopping center to park on the above property subject to entering into a written lease satisfactory to both parties within sixty (60) days. The property presently contains sixteen (16) parking spaces.

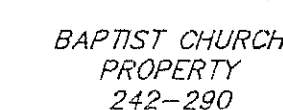
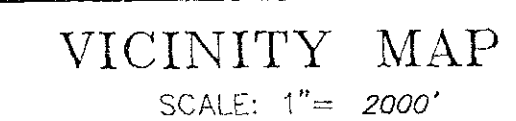
Sincerely,

J. Mark Schapiro
 J. Mark Schapiro

JMS/paw

Case No. 72-214R. Property reclassification from DR-16 to EI zone granted on July 26, 1992 with no conditions or restrictions.

This site reflects the Plan as approved under Case No. 72-214R for parking layout.



- 1) DEED REFERENCE: 5326/884 AND 5354/428
- 2) AREA OF SITE: 1.129 AC. +/-
- 3) ZONING: BL-CT
- 4) COUNCILMANIC DISTRICT: 2ND
- 5) AMENITY OPEN SPACE
REQUIRED: 0.6 X 2700 = 270 SQ. FT.
PROVIDED: 295 SQ. FT.
- 6) FLOOR AREA RATIO
PERMITTED: 5.5
ACTUAL: 2.5

Parking tabulation is for illustrative purposes to clarify the variance request.

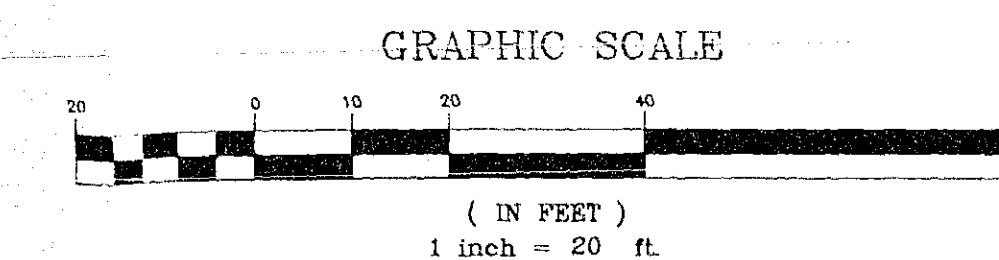
No new signs are proposed as part of this project.

Existing building approved by Baltimore County approximately 1973.
No building permit numbers were available.


△ Variance to Section 409.6 (A)(2) to permit 51 spaces in lieu of the required 92 spaces.

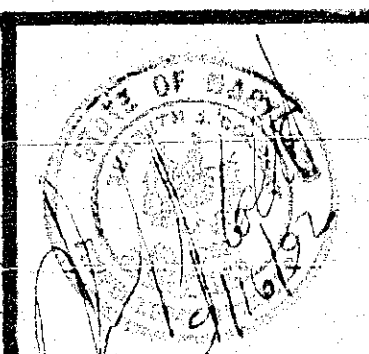
Variance to Section 409.4(C) to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of the required 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of the required 22 feet.

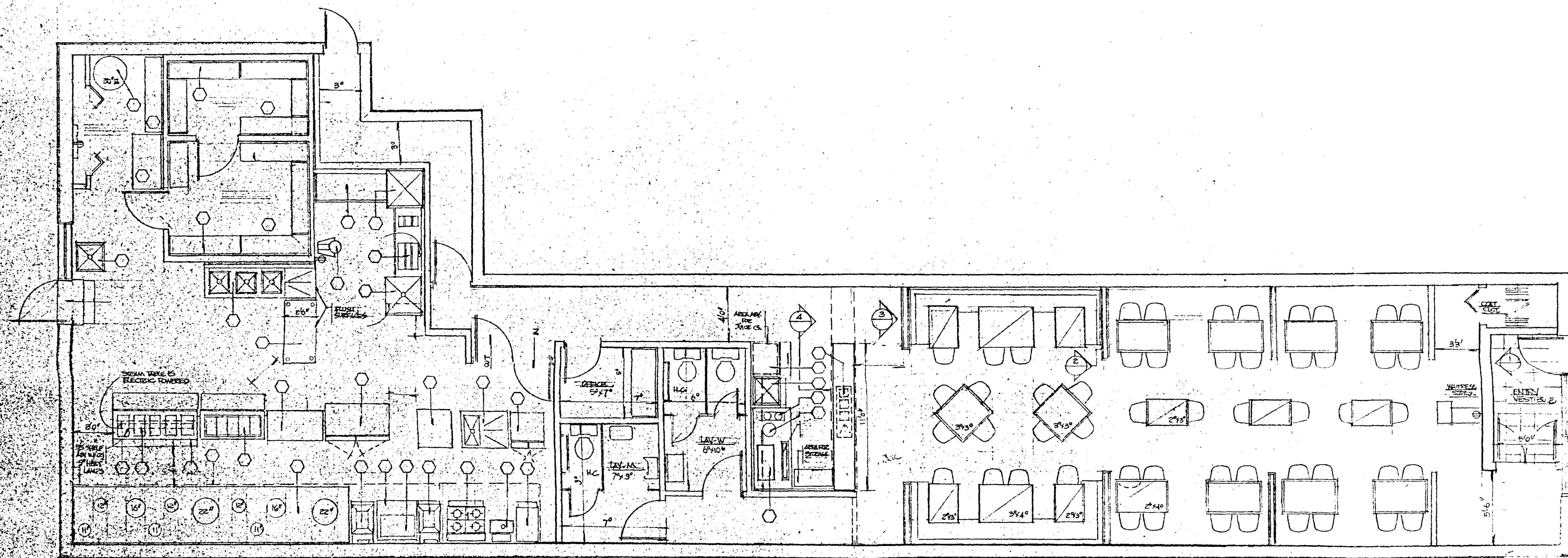
VARIANCE PLAN
48 E. SADBROOK LANE
3RD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' DATE: SEPT., 1992



DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 206
BALTIMORE, MARYLAND 21208
PHONE:(410)653-3838

SURVEYED BY C.E.I.	DESIGNED BY	DRAWN BY W.E.S.	CHECKED BY K.J.C.	DATE 9/92	SCALE 1" = 20'				
SHEET NO. 92046	AC FILE 92046	QUAD	JOB NO. 92046	REF #	SHEET OF	 10-30-92 TRAFFIC ENGR COMMENTS	KJC		
						NO	DATE	REVISION	BY





NOTES

1. ALL EQUIPMENT WITHIN FOOD PREPARATION AREA IS TO BE RASSED 8" A.F.F.
2. FLOOR DRAINS ARE TO BE INSTALLED IN LAVATORIES

JUMBO SEAFOOD CHINESE RESTAURANT

SUPERPOOL SHOPPING CENTER
48 EAST SUPERPOOL LANE
PIKESVILLE, MARYLAND

10/21/92

DESIGNED BY: CLINTON COUNCIL

SEATING CAPACITY AS DESIGNED = 62 PERSONS

2/24/93

SCALE:	APPROVED BY:	DRAWN BY:
DATE:	REVISION:	
		DRAWING NUMBER



LOCATION
DUMBARTON
PIKEVILLE

N. W
8-F

BY AIR PHOTOGRAPHICS, INC.
URG W.V. 25401

Pet No 3

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded that the granting of the variance will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. My conclusion in this respect is based on the compatible mixture of tenants in the shopping center and available parking which is located nearby. Clearly, the tenants in the center are compatible with one another from a parking generation standpoint. It is clear that the restaurant will generate traffic when the other businesses are closed and vice versa. Additional testimony presented indicated that there was some parking available on Sudbrook Road. This will help alleviate congestion on the subject lot. Lastly, the continuing arrangement between the shopping center and adjoining Volunteer Fire Company property should be encouraged and maintained. It is clear that these two uses provide assistance to one another to help prevent parking congestion on either property. It is hoped that the owners of both properties continue this cooperation.

Further, it is clear that practical difficulty will result if the variance is not granted. Development of new businesses in the Pikesville revitalization area and at this site is to be encouraged. Further, it has been established that particular site constraints exist, namely the size and configuration of the property, and that due to these constraints, the Petitioner cannot strictly comply with the parking regulations. A strict adherence to the requirements from which the Petitioner seeks relief will unduly restrict the use of the property. In addition, I am persuaded

- 6 -

that the variance requested will not cause any injury to the public health, safety or general welfare of this community and that the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1992 that the Petition for Zoning Variance requesting relief from Section 409.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 51 parking spaces in lieu of the required 92 spaces, and from Section 409.4(C) to permit a one-way drive aisle width of 13.5 feet for 60 degree parking in lieu of the required 16 feet width and a one-way drive aisle of 15 feet for 90 degree parking in lieu of the required 22 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed restaurant is limited to provide a total seating capacity for 62 persons in accordance with Petitioner's Exhibit 9.
- 3) Compliance with the Zoning Plans Advisory Committee comment submitted by the Developer's Engineering Division of the Department of Public Works as it relates to landscaping.

- 7 -

4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1992

(410) 887-4386

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Sudbrook Lane, 400' S of Old Court Road
(48 E. Sudbrook Lane)
3rd Election District - 2nd Councilmanic District
Sudbrook Associates, a Maryland General Partnership - Petitioners
Case No. 93-100-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

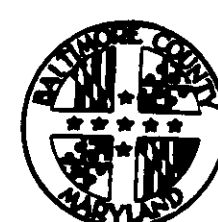
cc: Mr. Gabriel Rosenbush, Jr.
Pikesville Chamber of Commerce
7 Church Lane, Pikesville, Md. 21208

Mr. Morris Silberman
3635 Old Court Road, Baltimore, Md. 21208

Mr. David Bush, Director, Pikesville Volunteer Fire Company,
40 E. Sudbrook Lane, Pikesville, Md. 21208

Mr. Thomas A. Mariani, Senior Vice President, Mercantile Bank & Trust
409 Washington Avenue, Towson, Md. 21204

People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

For the property located at 48 E. Sudbrook Lane, Pikesville
which is presently zoned BL-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property, hereby certifies that the information contained herein is true and correct, and that the property is not subject to any other pending legal action.

409.6(A)(2) to permit 54 parking spaces in lieu of the required 92; from 409.4(C) to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet & a one-way drive aisle of 15 feet of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County; for the following reasons: (Petitioner's handwriting or printed text)

existing site constraints and additional reasons which will be presented at the public hearing.

*for 90 degree parking in lieu of 22 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Shao Tsu Chu
Type or Print Name
Signature
11714 D. Reisterstown Road
Reisterstown, Maryland 21136
City
Attorney for Petitioner
Julius W. Lichter, Esquire
Type or Print Name
Signature
305 W. Chesapeake Ave. 321-0600
Towson, MD 21204
City

Sudbrook Associates, a Maryland General Partnership
Type or Print Name
Signature
Steve Cornblatt, Agent
Type or Print Name
Signature
11902 Tarragon Road - Unit F
Reisterstown, MD 21136 (833-2740)
City
Attorney for Petitioner
Julius W. Lichter, Esquire
Type or Print Name
Signature
305 W. Chesapeake Ave. 321-0600
Towson, MD 21204
City

ORDER RECEIVED FOR FILING
Date 11/24/92
By [Signature]

ZONING DESCRIPTION

48 EAST SUDBROOK LANE
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE WEST SIDE OF EAST SUDBROOK LANE, 70 FEET WIDE, A DISTANCE OF 400 FEET MORE OR LESS SOUTHWESTERLY FROM THE INTERSECTION OF OLD COURT ROAD; THENCE RUNNING WITH SAID ROAD SOUTH 42 DEGREES 39 MINUTES 26 SECONDS WEST, 171.50 FEET; THENCE BY A CURVE TO THE LEFT WITH A RADIUS OF 2035.00 FEET AND AN ARC LENGTH OF 31.00 FEET; THENCE LEAVING SAID ROAD AND RUNNING NORTH 60 DEGREES 04 SECONDS 21 MINUTES WEST, 206.95 FEET; THENCE NORTH 72 DEGREES 56 MINUTES 09 SECONDS EAST, 75.45 FEET; THENCE NORTH 16 DEGREES 19 MINUTES 40 SECONDS WEST, 120.87 FEET TO A POINT ON THE EAST SIDE OF (OLD) OLD COURT ROAD, 30 FEET WIDE; THENCE RUNNING WITH SAID ROAD NORTH 72 DEGREES 32 MINUTES 37 SECONDS EAST, 152.02 FEET; THENCE LEAVING SAID ROAD AND RUNNING SOUTH 33 DEGREES 06 MINUTES 24 SECONDS EAST, 30.50 FEET; THENCE SOUTH 21 DEGREES 34 MINUTES 03 SECONDS WEST, 25.00 FEET; THENCE SOUTH 62 DEGREES 38 MINUTES 19 SECONDS EAST, 154.46 FEET; THENCE SOUTH 32 DEGREES 31 MINUTES 09 SECONDS WEST, 21.56 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1.129 ACRES OF LAND MORE OR LESS.

48ESUDBR.ZON



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Posted for: Variance
Petitioner: Sudbrook Assoc. & Shao Tsu Chu
Location of property: 48 E. Sudbrook Lane, 400' S of Old Court Rd.
Location of Sign: Along Sudbrook Highway on property to be zoned
Remarks:
Posted by: [Signature]
Number of Signs: 1

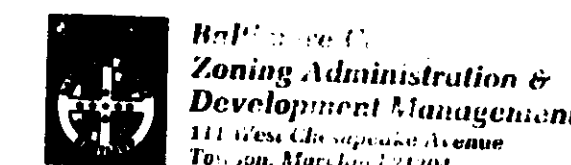
CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/8, 1992

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992

THE JEFFERSONIAN,

S. Zake - Orlan
Publisher



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

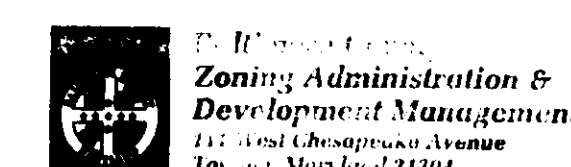
receipt

Account R.O. 1-6150
Number

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account R.O. 1-6150
Number

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 10/20/92

Shao Yun Chu
11740 Belstarston Road
Belstarston, Maryland 21136

RE:
CASE NUMBER: 93-100-A (Item 106)
4/8 Sudbrook Lane, 400' S of Old Court Road
48 E. Sudbrook Lane
3rd Election District - 2nd Councilmanic
Legal Owner(s): Sudbrook Associates
Lessee: Shao Yun Chu
HEARING: WEDNESDAY, NOVEMBER 4, 1992 at 9:00 a.m. in Rm. 106, County Office Building.

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Julius W. Lichter, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

SEPTEMBER 29, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-100-A (Item 106)
4/8 Sudbrook Lane, 400' S of Old Court Road
48 E. Sudbrook Lane
3rd Election District - 2nd Councilmanic
Legal Owner(s): Sudbrook Associates
Lessee: Shao Yun Chu
HEARING: WEDNESDAY, NOVEMBER 4, 1992 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit 54 parking spaces in lieu of the required 92; to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of 22 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Sudbrook Associates
Shao Yun Chu
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

October 20, 1992

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 106, Case No. 93-100-A
Petitioner: Sudbrook Associates
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 21st day of September, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richard Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sudbrook Associates
Petitioner's Attorney: Julius W. Lichter

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

RE: Zoning Advisory Committee Meeting
for October 5, 1992
Item No. 106

The Developers Engineering Division has reviewed the subject zoning item. We recommend that the site be made to comply with the requirements of the Landscape Manual.

RWB:DAK:ls

RECEIVED
OCT 5 1992
ZONING OFFICE

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 106 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David Ramsey
John Constable, Chief
Engineering Access Permits
Division 9/23/92

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
302-7566 Baltimore Metro - 800-4461 D.C. Metro - 1-800-480-5962 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: October 14, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sudbrook Square

INFORMATION:
Item Number: 106
Petitioner: Sudbrook Associates
Property Size: 1.129 acres
Zoning: BL-C7
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This Petitioner is requesting a variance to permit 54 parking spaces in lieu of the required 92; to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of 22 feet.

This site is located on the eastern fringe of the Pikesville Revitalization District. The shopping center, Sudbrook Square, appears to be fully leased and economically healthy at this particular time (as observed by the area planner). Without documentation indicating that the Petitioner has attempted to secure off-site parking to lessen the impact of deficient on-site parking, this Office recommends DENIAL of the Petitioner's request. The Office of Planning and Zoning feels that a variance of 38 parking spaces could be detrimental to the existing businesses presently located on this site.

Prepared by: *Francis Murray*
Division Chief: *Ernest McDaniel*
EHdD:PH:bjs

106.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 28, 1992
ITEM NUMBER: 106

1) The four perpendicular parking spaces along the northern property line need to be realigned to "angled" spaces.
2) "DO NOT ENTER"/"ONE WAY" signs need to be shown to clarify the internal traffic pattern.
3) The location of the existing dumpster needs to be shown.
4) The two parallel parking spaces along the southern property line need to be eliminated.
5) Granting the requested parking variances is going to impact the surrounding roadways.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Redd 10/14/92

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: October 7, 1992

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #106
48 Sudbrook Lane
Zoning Advisory Committee Meeting of September 28, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

A reduction in parking requirements will reduce the amount of impervious area draining, via an existing storm drain system, to an offsite stream system. Therefore, Environmental Impact Review Division supports issuance of approval for this variance in order to prevent additional impacts to water quality from this property.

LP:sp

SUDBROOK/TXTSBP

Rec'd 10/14/92

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
OCTOBER 19, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SUDBROOK ASSOCIATES, A MARYLAND GENERAL PARTNERSHIP

Location: #48 SUDBROOK LANE

Item No.: + 106 (JLL) Zoning Agenda: SEPTEMBER 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. H. H. H.*
Planning Group
Special Inspection Division

JP/REK

Department of Recreation and Parks
Development Review Committee
Authorized signature: *[Signature]* Date: 10/15/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Austin F. and Estelle R. Weber	102	No Comment	7-28-92
✓ Franklin Ray and Ann Mae Sumpter	103	No Comment	
✓ Richard A. Robert T. and Emily C. Baker	104	No Comment	
✓ Michael J. and Lori Greco	105	No Comment	
✓ Sudbrook Associates	106	No Comment	
✓ Philip M. and Sandra L. Cowett	108	No Comment	
✓ Gaetano Platania	109	No Comment	
✓ Kurt D. and Denise E. Zumwalt	110	No Comment	

COUNT 8

RECEIVED
OCT 5 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
DATE: November 2, 1992

FROM: *[Signature]* Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: REVISED COMMENTS
Z.A.C. Comments

Z.A.C. MEETING DATE: September 28, 1992

ITEM NUMBER: 106

This office has reviewed the revised plan dated October 10, 1992 and finds it acceptable.

The requested parking variance will have some effect on parking on Sudbrook Lane. With shared parking with the Fire Department and the existing mixed uses, the number on parking spaces required may be reduced.

CRM:lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry Schmidt
Zoning Commissioner
DATE: November 2, 1992

FROM: Pat Keller, Deputy Director
Office of Planning & Zoning

SUBJECT: Sudbrook Square #106

RECEIVED
NOV 2 1992
ZONING COMMISSIONER

The Office of Planning and Zoning has received additional information regarding the Sudbrook Square Shopping Center. Sudbrook Square is located within the Pikesville Revitalization Area as identified in the Pikesville Revitalization Plan adopted by the Baltimore County Council on October 7, 1992. The petitioner is requesting a variance to permit 54 parking spaces rather than the 92 required. The following information has been supplied by the applicant and reviewed by this Office:

1. The center had a vacancy rate of 22% during the last 3 years.
2. The applicant is requesting a parking variance to accommodate a 2,700 sq. ft. restaurant which will contain 62 seats located at 19 tables.
3. Employee parking is currently being provided by the Pikesville Voluntary Fire Department.
4. Sudbrook Lane can accommodate approximately 53 on street parking spaces.

The petitioner is desirous of providing a 2,700 sq. ft. Chinese style restaurant with a seafood emphasis in the Pikesville Area. The area appears to be attractive to restaurant uses with the recent influx of these establishments. The Office supports this type of redevelopment provided such uses do not negatively impact the community. There are several factors which would lead us to modify our recommendations at this time. First, the hours of operation are complimentary to the commercial retail uses in the center. Second, Baltimore County's parking standard for restaurants are generally accepted as being to high. These regulations are currently under review to be changed. The proposal at this time is to reduce the requirement from 20 per 1,000 sq. ft. to 16 per 1,000 sq. ft. which would reduce this request from 54 to 43. Third, in an effort to maintain the momentum of revitalization for this area, the additional restaurant use would be a benefit to this effort. Finally, due to the ability of Sudbrook Lane to handle additional on street parking the spillover impacts of parking from this use are greatly reduced.

On balance, it appears that the concern regarding the parking impact resulting from this project is not as great as was first believed.

[Signature]
Pat Keller

PK:bjs

Attachments
SUDBROOK.PK/TXTBJS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: October 14, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sudbrook Square

INFORMATION:

Item Number: 106

Petitioner: Sudbrook Associates

Property Size: 1.129 acres

Zoning: BL-CT

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This Petitioner is requesting a variance to permit 54 parking spaces in lieu of the required 92; to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of 22 feet.

This site is located on the eastern fringe of the Pikesville Revitalization District. The shopping center, Sudbrook Square, appears to be fully leased and economically healthy at this particular time (as observed by the area planner). Without documentation indicating that the Petitioner has attempted to secure off-site parking to lessen the impact of deficient on-site parking, this Office recommends DENIAL of the Petitioner's request. The Office of Planning and Zoning feels that a variance of 38 parking spaces could be detrimental to the existing businesses presently located on this site.

Prepared by: *[Signature]*

Division Chief: *[Signature]*

EMC:FM:bjs

106.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: October 5, 1992

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

RE: Zoning Advisory Committee Meeting
for October 5, 1992
Item No. 106

The Developers Engineering Division has reviewed the subject zoning item. We recommend that the site be made to comply with the requirements of the Landscape Manual.

RWB:DAK:s

RECEIVED
OCT 5 1992
ZONING OFFICE

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

November 2, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Case #93-100-A, Item #106

Dear Mr. Schmidt,

The owners of Sudbrook Square, a small shopping center in the core of Pikesville, are requesting a variance of the required number of parking spaces in order to accommodate a prospective tenant. The Department of Economic Development, in looking into this case, has found the following. The center currently does have enough spaces to meet the requirement for retail tenants, but falls short of the total required if restaurant usage is introduced. While we do not take the size of the requested variance lightly, a number of related factors seemed important to consider.

This property is located within the core, but removed from the "downtown style" frontage on Reisterstown Road. Buildings are more spread out and parking is more readily available. Directly to the west of the subject property is the Volunteer Fire Department, with greater than 70 parking spaces, just along the side bordering Sudbrook Square and the rear. Except for special events, these spaces are rarely used, and the petitioner has a longstanding arrangement with the volunteers to share parking. Appropriate amendments to these agreements may need to be made.

Spaces are also available on-street along Walker Avenue. Along Sudbrook Lane, there exists the possibility of on-street parking directly in front of the center. This may actually increase the safety of this street (there is often uncertainty for drivers as to whether the road is one or two lanes at this point). Steve Weber, Assistant Traffic Engineer, looked into this situation and is amenable to this plan. These are easily accessible and conveniently located.

Employee parking will also be available off-site, through an arrangement with a nearby property owner. Several neighboring businesses have a greater availability of spaces than is typical in Pikesville.

Once again, the parking requirements utilize the square footage of kitchen space to calculate required parking, which provides a somewhat skewed estimate.

Finally, due to the upscale dining plan for the restaurant, it is anticipated that much of their business will occur in the evenings, when the other businesses in the center are not open. Complimentary schedules of peak usage support the ability of the tenants to coexist happily without substantial parking difficulties.

Understanding the surrounding circumstances and assuming the above measures are taken we support the request variance.

Sincerely,

E. Neil Jacobs
E. Neil Jacobs
Executive Director

ENJ/sls

Baltimore County Revenue Authority

118 TOWNSHOWN BOULEVARD
TOWSON, MARYLAND 21286-5350
TELEPHONE (410) 887-3187
FAX (410) 887-7428

November 10, 1992

Mr. David Green
Office of Planning & Zoning
401 Bosley Avenue
Towson, MD 21204

Re: Parking Variance Request
48 E. Sudbrook Lane
Pikesville

Dear Dave:

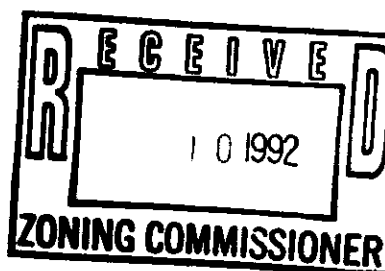
As a result of inquiries made to this office by the Pikesville Chamber of Commerce and the attorney for the applicant, I went out to the referenced site to observe the parking activity in the area.

On Thursday, October 29, 1992 at 7:00 p.m., there were five (5) vehicles parked on the lot, all in the front lot, toward Sudbrook Lane. The beauty parlor was the only business that was open, but it was obvious that they were in the final clean up phase of the day. I spoke briefly with a man who appeared to be the beauty shop operator. He told me that the busiest days at the center are Thursday through Friday. He indicated that the center's employees parked on the fire hall lot during the day. The gentleman indicated that he had no objection to the Chinese restaurant's proposed move to the center, since he felt most of their activity would occur at night.

There were no vehicles parked on either the north or south side of Sudbrook Lane on Thursday evening.

I returned to the site on the following day, October 30, at 12:30 p.m. It was an overcast day, with temperatures in the 50's. There were twenty (20) vacant spaces on the lot, ten (10) of which were in the front lot facing Sudbrook Lane. Three of the ten vacant spaces were the thirty minute spaces next to the bank and dry cleaner.

Along the north side of the curb next to the center, three of the approximate six spaces were vacant. On the south side of Sudbrook Lane, I walked off approximately 420 feet of open curb



MR. DAVID GREEN
NOVEMBER 10, 1992
PAGE 2

space (excluding the bus stop) that might be considered in the center's vicinity and available for customer and employee parking. None of these spaces were occupied.

On the fire hall lot, eighteen (18) of the twenty-two (22) spaces adjacent to the center were occupied. The other spaces on the lot were marked off as reserved for the fire hall, so my guess is that the center employees were utilizing the spaces next to the center.

On Thursday, November 4 at approximately 12:30 p.m., I observed eighteen (18) cars on the center parking lot and two spaces on the north side curb of Sudbrook Lane.

The curbside areas of Sudbrook Lane adjacent to the center are outside of the Pikesville meter district. Even if the area was within the district, I would not recommend installation of meters since the area presently lacks the development density that would require the higher turnover spaces.

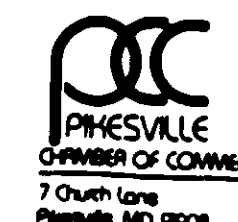
While our office is not technically a part of the zoning variance review process, I would be willing to offer the opinion that the granting of the variance should not adversely affect the area or existing businesses of the center. Obviously the fire hall's and center's unwritten policy of sharing the lots at their respective off peak periods is critical to each entity's operation and continuing vitality. If there was any way to formalize this agreement, the long term survival of both enterprises could be assured.

If you have any other questions, please call me.

Sincerely,

Kenneth F. Willis, Jr.
Kenneth F. Willis, Jr.
Executive Director

KFM/mlsld-108



October 30, 1992

Mr. Lawrence C. Schmidt
Zoning Commissioner
Baltimore County, Maryland
111 West Chesapeake Ave.
Towson, Md. 21204

RE: Case No. 93-100 A Item 106
Owner Sudbrook Associates
48 E. Sudbrook Lane

Dear Mr. Schmidt:

This is to advise you that the Pikesville Chamber of Commerce thru its Zoning Committee has carefully investigated and reviewed the variance request of the Sudbrook Associates. The committee has met with the owner/developer and his attorney Jules Lichter on October 29, 1992.

Let it be understood that the Pikesville Chamber of Commerce supports business in our community and we welcome new businesses which desire to relocate in Pikesville.

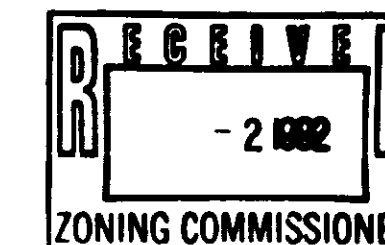
However, we can not support the variance request as set forth by the petitioner in this case.

We will support a request for a variance of 16 cars. In the event the petitioner can demonstrate an availability of DAY TIME parking for an additional 22 parking spaces public or private, within the area distance he is permitted, we will support his variance for 38 cars.

Very truly yours,

Gabriel W. Rosenbush, Jr.
Gabriel W. Rosenbush, Jr.
Chairman Zoning Committee

GWR:asf
cc: Jules Lichter, Esq.-- Sudbrook Associates
Sid Friedman, Pres. PCC



Pikesville Volunteer Fire Co., Inc.
40 E. Sudbrook Lane
Pikesville, Maryland 21208
Organized February 4th, 1897
Business Phone (301) 486-9854

November 3, 1992

Hearing Officer
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

RE: 48 East Sudbrook Lane
Case Number 93-100-A

Dear Sir or Madam:

Our Company, which provides fire, rescue and EMS service to the entire Pikesville community, is a neighbor of the shopping center which is the subject of the captioned case. When we became aware of the intent to seek a parking variance, we convened our Board of Directors, discussed the matter, and voted to oppose the application.

Today the Owner, and counsel for the proposed Tenant, presented us with additional information, which they have asked us to consider before taking a final position with respect to the application. It is impossible for us to convene our Board before the hearing, which is scheduled for less than twenty-four hours from the time of that presentation.

Accordingly, we request a period of ten days to submit a written report, indicating our final position with respect to the captioned zoning application, and, if negative, our reasons.

The Owner, and counsel for the proposed Tenant, have agreed to this request.

Very truly yours,

Lee N. Smith
Lee N. Smith
President

LNS/cmr



Pikesville Volunteer Fire Co., Inc.
40 E. Sudbrook Lane
Pikesville, Maryland 21208
Organized February 4th, 1897
Business Phone (301) 486-9854

VIA MESSENGER

November 16, 1992

Honorable Lawrence E. Schmidt
Zoning Commissioner
Room 113 - Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: 48 East Sudbrook Lane
Case Number: 93-100-A

Dear Sir:

On November 3 I wrote to you in connection with the hearing that was held the following day with regard to the captioned matter, indicating that our Company voted to oppose the application, but was in consultation with the owner and applicant.

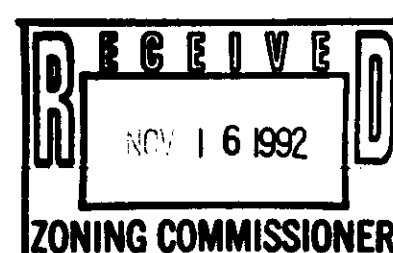
Now, having concluded those discussions and having reviewed all of the data that was made available to us, you are hereby advised that our Company takes no position with regard to the application. That is, we neither oppose nor support it.

You may contact me during the day at 484-5355 if there are any questions.

Very truly yours,

Lee N. Smith
Lee N. Smith
President

LNS/cmr



BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOWARD PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-539-0950

KATHRYN T. MAY

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

September 21, 1992

Arnold Jablon, Director
Zoning Administration and Development Management
111 W. Chesapeake Ave.
Towson, MD 21204

RE: Petition for Variance
Item # 106
48 E. Sudbrook Lane
Petitioner: Shao Tsu Chu

Dear Mr. Jablon:

We represent Mr. Shao Tsu Chu who has submitted a Petition for Variance for property known as 48 E. Sudbrook Lane. The site is currently improved with a small aging retail center. Our client is leasing approximately 2700 square feet in the center for a chinese seafood restaurant. This use will breathe much needed life into the center and thereby promote the revitalization of Pikesville as so encouraged in the Master Plan.

We hereby request that the hearing date for the Petition for Variance be expedited. An expedited hearing will enable the Petitioner to meet his obligations under the lease which require him to obtain a final decision as to the variance request and complete installation of the restaurant by the end of 1992. Additionally, an expedited hearing will help serve the goal of revitalizing Pikesville by facilitating the zoning process which is necessary prior to moving forward with the proposed restaurant use.

Your assistance in securing an expedited hearing date for this Petition is greatly appreciated.

Sincerely,

Kathryn T. May
Kathryn T. May

KTM/ta

cc: Ms. Gwen Stephens



ZONING OFFICE

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOWARD PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-539-0950

KATHRYN T. MAY

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

September 23, 1992

HAND-DELIVERED

Lawrence Schmidt, Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
Item #106
48 East Sudbrook Lane
Petitioner: Shao Tsu Chu

Dear Commissioner Schmidt:

We represent Mr. Shao Tsu Chu who has submitted a Petition for Variance for property known as 48 East Sudbrook Lane. The site is currently improved with a small aging retail center. Our client is leasing approximately 2700 square feet in the center for a chinese seafood restaurant. This use will breathe much needed life into the center and thereby promote the revitalization of Pikesville as so encouraged in the Master Plan.

We hereby request that the hearing date for the Petition for Variance be expedited. An expedited hearing will enable the Petitioner to meet his obligations under the lease which require him to obtain a final decision as to the variance request and complete installation of the restaurant by the end of 1992. Additionally, an expedited hearing will help serve the goal of revitalizing Pikesville by facilitating the zoning process which is necessary prior to moving forward with the proposed restaurant use.

We prefer a hearing date as early as possible in the month of October, allowing for time for the proper posting and advertisement of the Petition. Your assistance in securing an expedited hearing



BALTIMORE STREET
 MARY ANNE BANK & TRUST BUILDING
 7 ASPEN PLAZA
 9TH FLOOR
 BALTIMORE, MARYLAND 21204
 410-539-0241
 TELEFAX 410-539-0240

LAW OFFICES
LEVIN & GANN
 A PROFESSIONAL ASSOCIATION
 305 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 410-521-0600
 TELECOPIER 410-286-2801

ELLIS LEVIN (1893-1960)

KATHRYN E. MAY
 December 21, 1992

HAND DELIVERED

Lawrence Schmidt, Zoning Commissioner
 400 Washington Avenue
 Towson, Maryland 21204

RE: Case No.: 93-100-A
 48 E. Sudbrook Lane

Dear Commissioner Schmidt:

As we discussed by telephone on Friday, Shao Tsu ("Steve") Chu (the Petitioner in the above referenced case) is having difficulty obtaining a building permit for interior renovations for his leased premises in the Sudbrook Square Shopping Center. The problem is with condition No. 3 of your November 24, 1992 Order. This condition requires the Petitioner to comply with a comment from Developer's Engineering regarding landscaping.

A copy of the comment from Developer's Engineering is enclosed. We object to this comment, which recommends that the site be made to comply with the requirements of the Landscape Manual, because: (1) no change will be made to the parking lot, and (2) no changes will be made to the exterior of the building. If the Petitioner had merely applied for the interior renovation permit (without the parking variance) no landscape requirements could have been imposed on him.

As the record will reflect, landscaping was not an issue at the public hearing. Furthermore, compliance with the Landscape Manual would not be possible because the existing parking layout conforms to standards in effect when the shopping center was built. Finally, compliance with this condition would cause a severe hardship on Mr. Chu who is the lessee of one unit in the Center, not the owner of the site. The owner of the center is not available at this time. Although the site is landscaped, my client will attempt to obtain additional plantings by the landlord.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
SHAO-TSU CHU	104 QUEENSBIDGE CR. CROFTSVILLE, M.D.
Kueigang Zhang	8817 A2 BLANCKWOOD RD
Wu Wang	310 B. Garden Rd Towson
William Benjamin	2649 Falls Rd
Steven Cornblatt	9 Highlands CT 21117
Sylvan L. Cornblatt	P.O. Box 364 Croftsville, Md

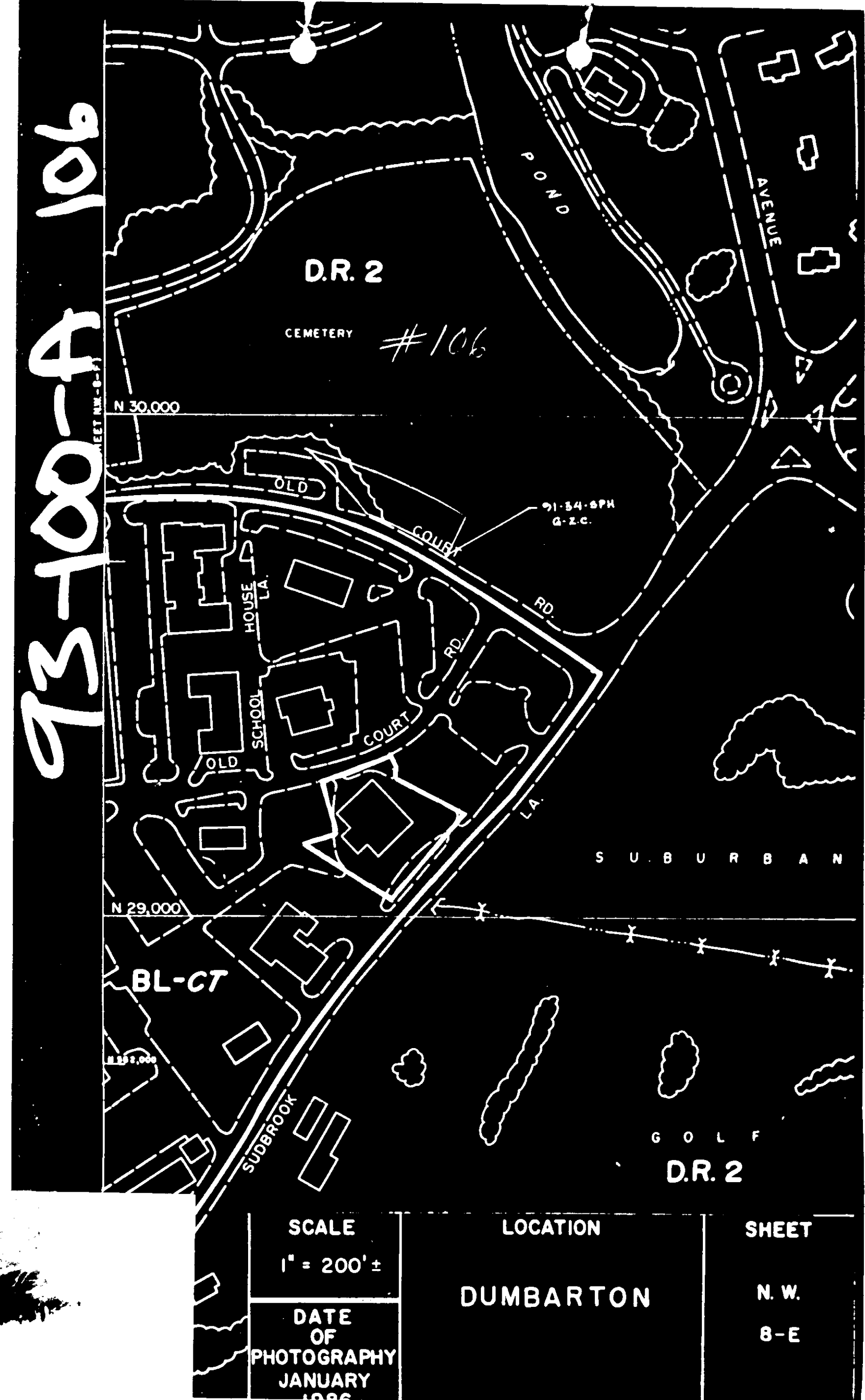
PLEASE PRINT CLEARLY

PROTESTOR SIGN-IN SHEET

NAME	ADDRESS
MARIE SICHERMAN	3635 OLD GOWER RD
DAVID BUSH - President	40 E. Sudbrook Lane
Carol Rosenbush, Jr.	Dillonville Chambers of Commerce & Church League

INTERESTED PERSON: MERCANTILE BANK & TRUST
 THOMAS A. MARIANI, SVP
 409 WASHINGTON AVE
 TOWSON, MD 21204

Wants copy of opinion



Petitioner's
 Exhibits
 2A-2I
 93-100-A



JUNBO SEAFOOD RESTAURANT
48 E. SUDBROOK LANE

The Restaurant will have 19 tables for seating patrons with a seating capacity of 62 persons

12 tables at 4 persons = 48
 7 tables at 2 persons = 14
 62

Parking

BCZR Required Parking 22
 Parking on Site 51
 Available Public Parking on Sudbrook Lane within 500 feet of Sudbrook Square 53

Available Parking 104
ESTIMATE PEAK PARKING NEEDS
 10 TABLES @ 2 CARS 20
 9 TABLES @ 1 CAR 9
 9 EMPLOYEES 5
 CARRY OUT 5
 CUSTOMER WAITING 5
 44

PEAK HOURS OF OPERATION

	DAY	NIGHT
MONDAY	12 NOON TO 1:30 P.M.	6 - 9 p.m.
TUESDAY	SAME	SAME
WEDNESDAY	SAME	SAME
THURSDAY	SAME	SAME
FRIDAY	SAME	SAME
SATURDAY	NONE	6 - 9 p.m.
SUNDAY	NONE	5 - 8 p.m.

SUDBROOK SQUARE SHOPPING CENTER
PARKED CAR COUNT
OCTOBER 23, 1992

TIME A.M.	NO. PARKED CARS	TIME P.M.	NO. PARKED CARS
8:30	17	1:00	35
8:45	19	1:15	36
9:00	27	1:30	34
9:15	29	1:45	35
9:30	34	2:00	33
9:45	35	2:15	40
10:00	33	2:30	36
10:15	31	2:45	29
10:30	32	3:00	26
10:45	40	3:15	22
11:00	42	3:30	21
11:15	37	3:45	31
11:30	36	4:00	23
11:45	40	4:15	23
12:00	34	4:30	20
12:15	31	4:45	23
12:30	34	5:00	22
12:45	34	5:15	29
		5:30	25
		5:45	20
		6:00	20

October 29, 1992

Sudbrook Associates
 P. O. Box 364
 Owings Mills, Md. 21117

Re: Proposed Parking Variance

Dear Mr. Cornblatt:

My understanding is that a Parking Variance is being requested for Sudbrook Associates. Further, my understanding is that the Variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

I hereby give my support in favor of the proposed Variance.

Very truly yours,

Edmund Bob
Edmund Bob
 Edmundo Bob
 Edmundo Bob

October 29, 1992

Sudbrook Associates
 P. O. Box 364
 Owings Mills, Md. 21117

Re: Proposed Parking Variance

Dear Mr. Cornblatt:

My understanding is that a Parking Variance is being requested for Sudbrook Associates. Further, my understanding is that the Variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

I hereby give my support in favor of the proposed Variance.

Very truly yours,

William Friedlander
William Friedlander
 William Friedlander

William Friedlander

PEAK BUSINESS HOURS
DAY
NIGHT

MONDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
TUESDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
WEDNESDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
THURSDAY	12:00 - 1:30 P.M.	6:00 - 9:00 P.M.
FRIDAY	12:00 - 1:30 P.M.	5:00 - 9:00 P.M.
SATURDAY	NONE	6:00 - 10:00 P.M.
SUNDAY	NONE	5:00 - 8:00 P.M.

OVERFLOW PARKING
 FROM BINGO & FIRE HALL
 8:00 P.M. TO 8:30 P.M.

Monday	14
Tuesday	9
Wednesday	8
Thursday	7
Friday	6
Saturday	0

October 23, 1992

Sudbrook Associates
 P.O. Box 364
 Owings Mills, MD 21117

Re: Parking Variance for 48 E. Sudbrook Lane

Dear Mr. Cornblatt:

My understanding is that a parking variance is being requested for your shopping center located at 48 E. Sudbrook Lane. Further, my understanding is that the parking variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

As you know, I own 105 Old Court Road, located just to the rear of the Fire Hall which adjoins the shopping center. I hereby agree to allow the employees and customers of your shopping center to use five (5) parking spaces on my lot after five (5) p.m. every day.

Sincerely,

David Shimony
 David Shimony

CONTINENTAL REALTY CORPORATION
 17 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204-5088

November 3, 1992

Sudbrook Associates
 P. O. Box 364
 Owings Mills, Maryland 21117

RE: Parking Variance for 48 E. Sudbrook Lane

Dear Mr. Cornblatt:

My understanding is that a parking variance is being requested for your shopping center located at 48 E. Sudbrook Lane. Further, my understanding is that the parking variance is needed because a new tenant is seeking to open a Chinese seafood restaurant.

As you know, I own the triangular property which dissects Old Court Road and Walker Avenue (directly across Old Court Road from the southernmost point of Old Court Executive Park). I hereby agree to allow the employees and customers of your shopping center to park on the above property subject to entering into a written lease satisfactory to both parties within sixty (60) days. The property presently contains sixteen (16) parking spaces.

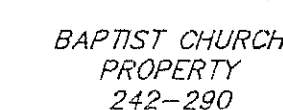
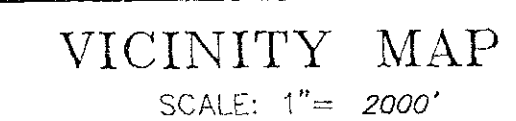
Sincerely,

J. Mark Schapiro
 J. Mark Schapiro

JMS/pw

Case No. 72-214R. Property reclassification from DR-16 to EI zone granted on July 26, 1992 with no conditions or restrictions.

This site reflects the Plan as approved under Case No. 72-214R for parking layout.



- 1) DEED REFERENCE: 5326/884 AND 5354/428
- 2) AREA OF SITE: 1.129 AC. +/-
- 3) ZONING: BL-CT
- 4) COUNCILMANIC DISTRICT: 2ND
- 5) AMENITY OPEN SPACE
REQUIRED: 0.6 X 2700 = 270 SQ. FT.
PROVIDED: 285 SQ. FT.
- 6) FLOOR AREA RATIO
PERMITTED: 5.5
ACTUAL: 2.5

Parking tabulation is for illustrative purposes to clarify the variance request.

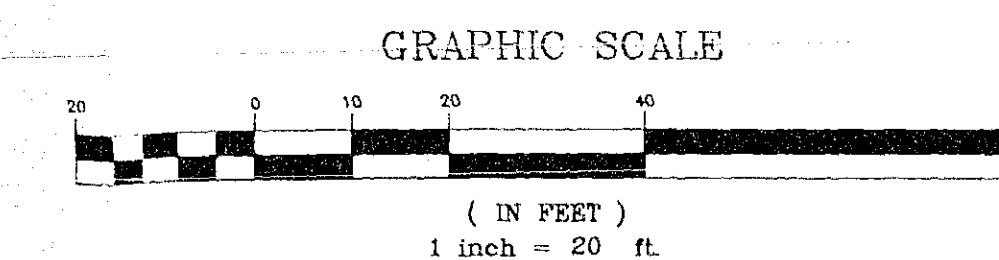
No new signs are proposed as part of this project.

Existing building approved by Baltimore County approximately 1973.
No building permit numbers were available.

△ Variance to Section 409.6 (A)(2) to permit 51 spaces in lieu of the required 92 spaces.

Variance to Section 409.4(C) to permit a one-way drive aisle of 13.5 feet for 60 degree parking in lieu of the required 16 feet and a one-way drive aisle of 15 feet for 90 degree parking in lieu of the required 22 feet.

VARIANCE PLAN
48 E. SADBROOK LANE
3RD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' DATE: SEPT., 1992



DUMBARTON SQUARE
3723 OLD COURT ROAD, SUITE 206
BALTIMORE, MARYLAND 21208
PHONE:(410)653-3838

SKETCHED BY G.E.I.	DESIGNED BY	DRAWN BY W.E.S.	CHECKED BY K.J.C.	DATE 9/92	SCALE 1" = 20'				
SHEET NO. 92046	AC FILE 92046	QUAD	JOB NO. 92046	REF. #	SHEET OF	NO	DATE	REVISION	BY
						10-30-92	TRAFFIC ENGINEER COMMENTS		KJC